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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,728	01/09/2001	Stefaan Valere Albert Coussement	P4644	7778

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 04/29/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/757,728

Applicant(s)

COUSSEMENT, STEFAAN
VALERE ALBERT

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/09/01.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 12-17, 19-21, 23-24, 26-28 and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Fawcett et al (US Pat No: US005678002A), hereafter referred to as Fawcett.

1. With regards to claim 1, Fawcett teaches a network including a communication center and a plurality of clients and client devices, a system for enhancing, ability of real or robotic agents of the communication center to service clients using the client devices, including configuring call-back options, the system comprising: customer presence software executing at the client devices for monitoring client and device status; and a communication-center presence software executing in the communication center for receiving information from the customer presence software; characterized in that the customer presence software at each client device monitors status at each client device, communicates status information collected to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the real or robotic agents of the

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communication center (Fawcett discloses a design for network managing. The network managing design includes a support center computer (column 2, lines 11-12, Fawcett). This is equivalent to the claimed communication center. In addition, Fawcett discloses that an actual person runs the center computer (a product support engineer) (column 2, lines 19-21, Fawcett). Fawcett further discloses that the center computer may be run automatically (equivalent to robotically) (column 2, lines 22-23, Fawcett). For any service-oriented design such as this, means by which to return responses and to make adjustments to those responses (callbacks and configuring call options) must be present. They are in Fawcett's design (column 6, lines 44-49, Fawcett). Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. Details concerning how the steps in Fawcett's design are performed are listed in the detailed descriptions portion of Fawcett's disclosure).

2. With regards to claims 2 and 20, Fawcett teaches a system wherein the network is a data-packet-network (Networks transfer data in the form of packets. Fawcett's design uses networks with packets (column 5, lines 36-42, Fawcett)).

3. With regards to claims 3 and 21, Fawcett teaches a system wherein the data-packet network is the Internet (The Internet is a network. Fawcett's design allows for networks, including the Internet (column 5, lines 36-42, Fawcett)).
4. With regards to claims 12 and 33, Fawcett teaches a system wherein the client-status information provided to an agent automatically updates periodically (Fawcett's design allows for the network managing to occur automatically (column 2, lines 21-24, Fawcett). It is inherent that since the services may be handled automatically, details about the client machines are updated automatically. Furthermore, it is also inherent that the client data must be updated, since updated information is required to properly diagnose client machines and to determine if fixes were successful).
5. With regards to claim 13, Fawcett teaches a system wherein the client-status information is continually streamed to the subscribing agent-user during a session with a client (Fawcett's design allows for the network managing to occur automatically (column 2, lines 21-24, Fawcett). It is inherent that since the services may be handled automatically, details about the client machines are updated with greatest of speed. No limitation is listed on how fast data is to be sent or on what protocol to apply. It is therefore acceptable for streaming video to exist within Fawcett's design).
6. With regards to claim 14, Fawcett teaches a system wherein the transfer of client-status information is by instant messaging (Fawcett's design allows for means by

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which to inform users (column 5, lines 59-67, Fawcett). In addition, Fawcett does not describe any limitations regarding means by which to transfer such information. Instant messaging is hence believed to be an acceptable information transfer means within Fawcett's design).

7. With regards to claims 15 and 24, Fawcett teaches a system wherein the customer presence software executing at the client devices for monitoring client and device status is provided by a host of the communication center, and the communication center presence software executing in the communication center communicates directly with the customer presence software executing at the client device (Fawcett's design uses diagnostic software to allow the host computer to diagnose the client computers. This diagnostic software is provided by the host computer and is downloadable by the client computers (column 2, lines 3-10, Fawcett)).

8. With regards to claims 16 and 23, Fawcett teaches a system wherein one or more instances of customer presence service software are foreign presence service software provided by a third-party presence service provider, and further comprising a foreign presence service server operating in the network and communicating with both the instances of the foreign presence service software and the communication center presence software executing at the communication center (Fawcett does not state any limitations regarding the number agents within a client. In addition, Fawcett uses the term "support agents" which indicates multiple agents within a client (column 2, line 5,

Fawcett). In addition, limitations regarding the sender of such agents are not made. The agents are simply downloadable (column 2, line 8, Fawcett)).

9. With regards to claim 17, Fawcett teaches a system wherein the network is one or a combination of the Internet network, a wireless cellular telephone network, or a public service telephone network (Fawcett teaches that networks such as the Internet may be used in the design (column 5, lines 36-42, Fawcett). In addition, Fawcett teaches that phone systems are also usable with the design (Figures 2 & 3, Fawcett)).

10. With regards to claim 19, Fawcett teaches a method for enabling real or robotic agent-users of a communication center connected to a network to obtain current client-presence status information related to clients of the information-source facility comprising the steps of:

- (a) Executing presence software at client devices used by the clients;
- (b) Communicating client-status information by the presence software to a communication center presence software executing in the communication center:
and

- (c) Integrating the client-status information or a portion thereof and serving the result to subscribing agent workstations in the communication center.

(Fawcett discloses a design for network managing. The network managing design includes a support center computer (column 2, lines 11-12, Fawcett).

This is equivalent to the claimed communication center. In addition, Fawcett

discloses that an actual person runs the center computer (a product support engineer) (column 2, lines 19-21, Fawcett). Fawcett further discloses that the center computer may be run automatically (equivalent to robotically) (column 2, lines 22-23, Fawcett). Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. Details concerning how the steps in Fawcett's design are performed are listed in the detailed descriptions portion of Fawcett's disclosure. Such processes are aided by agents within the client machines (equivalent to the claimed presence software) (column 2, lines 3-10, Fawcett). This arrangement allows for client status information and since the data is obtained by the server, the data inherently must be integrated and served to the support center computer (equivalent to the claimed communication center), which is a server (column 2, lines 3-31, Fawcett)).

11. With regards to claim 26, Fawcett teaches a method wherein in step (b), the client-status information is communicated in the form of instant messages containing the information (Fawcett's design teaches the use of notifications (column 5, lines 64-65, Fawcett). Fawcett's design also teaches that information concerning the client

machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. No limitations are made regarding the type of notification means, hence instant messaging is regarded as being acceptable).

12. With regards to claim 27, Fawcett teaches a method wherein in step (b), the client-status information is communicated through an electronic information page (Fawcett's design teaches the use of notifications (column 5, lines 64-65, Fawcett). Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. No limitations are made regarding the type of notification means, hence an electronic information page is regarded as being acceptable).

13. With regards to claim 28, Fawcett teaches a method wherein in step (b), on-line/off-line status information is communicated in the form of instant messages containing the information, and callback preference information is communicated through an electronic information page (Fawcett's design teaches the use of

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notifications (column 5, lines 64-65, Fawcett). Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. No limitations are made regarding the type of notification means, hence instant messaging is regarded as being acceptable).

14. With regards to claim 31, Fawcett teaches a method wherein the alert is of the form of one of a page to a paging device, an instant message, an e-mail, or a telephone beep (Fawcett's design teaches the use of notifications (column 5, lines 64-65, Fawcett). Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. No limitations are made regarding the type of notification means, hence instant messaging, email, telephone beeps and pages are regarded as being acceptable).

15. With regards to claim 32, Fawcett teaches a method wherein in step (c), the client-status information includes online/off-line status of the client and client's callback preferences are communicated to the communication center, including medium preferences and device preferences (Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. Details concerning how the steps in Fawcett's design are performed are listed in the detailed descriptions portion of Fawcett's disclosure. This includes the features of checking for a client's online connectivity, callback preferences and medium and device preferences

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-11, 18, 22, 25 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fawcett in view of Rakavy et al (US Pat No: US005913040A), hereafter referred to as Rakavy.

16. With regards to claims 4 and 22, Fawcett teaches through Rakavy, a system wherein the communication center markets products and or service to the clients

(Fawcett teaches a design for network managing and monitoring. While data can be sent from the server to the clients (column 2, lines 11-18, Fawcett), no details are provided stating that advertisements are handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

17. With regards to claim 5, Fawcett teaches through Rakavy, a system wherein the agents are human resources employed by the communication center

(Fawcett discloses that an actual person runs the center computer (a product support engineer) (column 2, lines 19-21, Fawcett). Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

18. With regards to claim 6, Fawcett teaches through Rakavy, a system wherein the agents are automated robotic systems implemented at the communication center

Fawcett further discloses that the center computer may be run automatically (equivalent to robotically) (column 2, lines 22-23, Fawcett). Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line

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66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

19. With regards to claim 7, Fawcett teaches through Rakavy, a system wherein the client-status information includes on-line/off-line status of the client and the client's callback preferences including medium preferences and device preferences

(Fawcett's design also teaches that information concerning the client machines is obtainable by the server (support center computer) (column 2, lines 3-31, Fawcett). Such features are also inherently present in network managing and network monitoring designs. The claimed features of monitoring client, obtaining device status, and other monitoring details are also believed to be inherently present within network monitoring and managing designs. Details concerning how the steps in Fawcett's design are performed are listed in the detailed descriptions portion of Fawcett's disclosure. This includes the features of checking for a client's online connectivity, callback preferences

and medium and device preferences. Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

20. With regards to claim 8, Fawcett teaches through Rakavy, a system wherein an alert is propagated to the clients

(Fawcett's design teaches the use of notifications (column 5, lines 64-65, Fawcett). Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line

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66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

21. With regards to claims 9, 25, 29, and 30, Fawcett teaches through Rakavy, a system wherein the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with high probability of success

(Fawcett's design teaches the use of notification to alert the client machines of server log file information (column 5, lines 59-67. Fawcett). The claimed features are equivalent to this feature of Fawcett's design. Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line

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66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

22. With regards to claim 10, Fawcett teaches through Rakavy, a system wherein optional callback or alert mediums include cellular, IP, and wired communication mediums

(Fawcett's design uses networks. Protocols must hence be followed, such as IP (column 5, lines 36-42, Fawcett). No limitation is made regarding what type of network may be used, hence it is believed the network may be wired or wireless. Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

23. With regards to claim 11, Fawcett teaches through Rakavy, a system wherein the optional callback or alert devices includes cellular telephones, pagers, telephones, computer stations, handheld computers and laptop computers

(Fawcett's design teaches the use of notifications (column 5, lines 64-65, Fawcett). The notifications are sent to the customers. No limitations are made regarding the devices used to receive the notifications by. It is inherent that any devices capable of receiving notification through a network (such as those claimed) are acceptable within Fawcett's design. Fawcett however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how items can be marketed to client machine users based on information obtained from the client machines. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

24. With regards to claim 18, Fawcett teaches through Rakavy, a system wherein one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client

(Fawcett's design involves network management and hence has servers transmit data (software) to the client machines. Fawcett also discloses that multiple agents can exist within each client machine (column 2, line 5, Fawcett). It is also inherent that the design would support multiple clients. However, Fawcett does not teach the use of multiple servers providing data (software) each client.

Rakavy teaches a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line

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66-column 3, line 63, Rakavy). While this process occurs, multiple servers in Rakavy's design transmit data with the client machines (column 5, lines 31-65, Rakavy). Since the design allows for the transfer of advertisements, means exist by which to transfer other data such as software as claimed.

Both Fawcett and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further details how multiple servers can provide data to each client. It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Fawcett, with those of Rakavy to transmit certain background/diagnostic information that may be relevant to the customer's problem (column 1, lines 56-58, Fawcett)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Pat No: 5,996,010 (Leong et al)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is 703-305-7209. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100